the llth day of August, A. D. 1942, intestate, and left surviving him as his only heirs-at-law, a half-sister, Fannie F. Fanjoy, widow, and the children of a deceased brother, Martin L. Stottlemyer; namely, a son, Ernest Stottlemyer intermarried with Evelyn Stottlemyer, his wife; a son, Francis Stottlemyer, unmarried; a son, Paul Stottlemyer intermarried with Lena Stottlemyer, his wife; a daughter, Ethel Willey intermarried with Harry P. Willey, her husband; and a son, Richard Stottlemyer, unmarried; all the above Defendants and all the said parties are residents of Washington County, Maryland, and are also of full legal age and over the age of twenty-one.

Third: That the said real estate is not susceptible of partition without material loss or injury to the parties and interest therein as above stated, and that in order to make a division of said interest it will be necessary that the said real estate he sold, and the proceeds thereof divided among the parties according to their several interests.

Fourth: That no letters testimentary were taken out in the Orphans Court for Frederick County on the estate of the said Emmert C. Stottlemyer, and that the said Emmert C. Stottlemyer, deceased, left no personal estate as far as is known to your Complainants.

TO THE END THEREFORE:-

- (1) That a decree may be passed for the sale of the said real estate as set forth in said proceedings, and that the proceeds of said sale may be distributed between your Complainants and the parties entitled to the proceeds thereof according to their respective rights and interests.
- (2) That your Honors in said decree may pass the an Order directing / Trustee to be named herein to give Notice to Creditors not exceeding ninety (90) days in compliance with